

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-4, 10 and 13 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14 remain pending in this application.

Claims 1-4, 10 and 13 have been amended editorially and to eliminate the use of the term "consists of."

In the Office Action, claims 1, 3, 5-9, 11, 12 and 14 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Kaharu et al. (U.S. Patent No. 5,130,836). For at least the reasons set forth herein, this rejection has been overcome.

In the present invention, the monitors 29 and 30 accept an *optical* signal and, from it, monitor data such as signaling information at the data level. In contrast, the monitor MD DET described in Kahura et al., does not accept an optical signal. It merely takes a data level signal (not an optical signal) and determines whether at least one of a first and second monitor pulses are absent. Such pulses are generated by a monitor pulse appending circuit. In contrast, as recited in independent claims 1, 3, 6, 7, 9 and 12, the monitor of the present invention accepts signals at the optical level and performs any necessary conversion and demodulation in order to perform the task of monitoring the data contained in the optical signals to allow for the detection of faults, and specifically for the detection of faults in signaling information. The functionality and purpose of the monitors alleged by the Office Action to have

correspondence is different. Accordingly, Kahura et al. cannot be deemed to disclose, teach or suggest the invention as claimed in the independent claims. Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

Furthermore, the monitor pulse appending circuit MA of Kahura et al. does not perform monitoring of signaling information as is performed by the monitors of the claimed invention. Rather, as described in column 5, it generates monitor pulses mp1 and mp2 to superimpose on data signal SD. Accordingly, dependent claims 5, 8, 11 and 14 are patentable over the cited reference for at least this additional reason. Applicant notes that the Office Action appears to associate reference label PTi of Kahura et al. with a monitor while the Kahura et al. reference itself associates that label with the entire optical transceiver. In either case, the claimed invention is believed to be patentable over Kahura et al.

Claims 2, 4, 10 and 13 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kahura et al. In view of the allowability of the independent claims as set forth above over Kahura et al., these dependent claims are also believed to be patentable over the cited reference. Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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